

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MATT J. PFEIFFER,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 13-cv-05074 BHS

REPORT AND RECOMMENDATION
ON STIPULATED MOTION FOR
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on Defendant's stipulated motion to remand the matter to the administration for further consideration. (ECF No. 23.)

After reviewing Defendant's stipulated motion and the relevant record, the undersigned recommends that pursuant to sentence four of 42 U.S.C. § 405(g) the Defendant Commissioner of Social Security's decision, with respect to Plaintiff Matthew J. Pfeiffer's application for

Supplemental Security Income under Title XVI of the Social Security Act, be **REVERSED** and **REMANDED** to the Commissioner for further administrative proceedings and a new decision.

1. On remand, the administrative law judge (ALJ) shall:

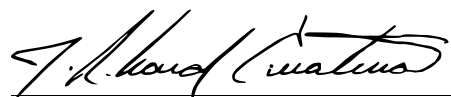
- a. Update the treatment evidence on Plaintiff's medical condition;
- b. Expressly evaluate the examining medical source opinion from Dr. Faiola, M.D., as well as any additional treating, examining or non-examining medical source opinions in the record, and explain the reasons for the weight he gives to this opinion evidence;
- c. Evaluate and assign weight to the March 2011 lay witness statement from Plaintiff's brother;
- d. Further consider Plaintiff's residual functional capacity on the updated record, citing specific evidence in support of the assessed limitations; and
- e. As appropriate, secure supplemental evidence from a vocational expert to clarify the effect of the assessed limitations on Plaintiff's occupational base.

2. On remand, the ALJ and Plaintiff may raise and pursue additional issues.

3. Following a timely and proper application to the Court, Plaintiff shall be entitled to reasonable attorney's fees and costs, pursuant to 28 U.S.C. § 2412(d).

Given the facts and the parties' stipulation, the Court recommends that the District Judge immediately approve this Report and Recommendation and order the case be **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g).

Dated this 1st day of October, 2013.



J. Richard Creatura
United States Magistrate Judge